

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

ELIM DE JESUS DAVILA TIRADO
SHARON LIZ JIMENEZ DIAZ

DEBTORS

CASE NO 14-02204-MCF

CHAPTER 13

**NOTICE OF FILING OF AMENDED CHAPTER 13 PLAN
AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

NOW COME, ELIM DE JESUS DAVILA TIRADO and SHARON LIZ JIMENEZ DIAZ, debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray:

1. Debtors are hereby submitting a proposed amended Plan, dated August 25, 2014, herewith and attached to this motion.
2. This proposed amended Plan is filed to cure the objection raised by secured creditor Popular Auto, docket #14.

WHEREFORE debtors respectfully request the confirmation of the proposed amended Plan, dated August 25, 2014.

I CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee; and also certify that I have mailed by United States Postal Service copy of this motion to the following non CM/ECF participants: debtors in the above captioned case, and to all creditors and parties in interest appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 25th day of August, 2014.

/s/ Roberto Figueroa Carrasquillo
ROBERTO FIGUEROA CARRASQUILLO
USDC #203614
ATTORNEY FOR PETITIONER
PO BOX 186
CAGUAS PR 00726
TEL. NO. (787) 744-7699

United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 3:14-bk-2204

DAVILA TIRADO, ELIM DE JESUS & JIMENEZ DIAZ, SHARON LIZ

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____
☐ PRE ☐ POST-CONFIRMATION

☒ AMENDED PLAN DATED: 8/25/2014

Filed by: ☒ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 200.00 x 12 = \$ 2,400.00
\$ 390.00 x 42 = \$ 16,380.00
\$ _____ x _____ = \$ _____
\$ _____ x _____ = \$ _____
\$ _____ x _____ = \$ _____

TOTAL: \$ 18,780.00

Additional Payments:

\$ 20,000.00 to be paid as a LUMP SUM
within 36 months with proceeds to come from:

☐ Sale of Property identified as follows:

☒ Other:

**PROCEEDS FROM COLLECTION OF JUDGMENT
CIVIL CASE KPE20063710**

Periodic Payments to be made other than, and in
addition to the above:

\$ _____ x _____ = \$ _____

PROPOSED BASE: \$ 38,780.00

III. ATTORNEY'S FEES
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee
Disclosure Statement: \$ 2,484.00

Signed: /s/ ELIM DE JESUS DAVILA TIRADO
Debtor

/s/ SHARON LIZ JIMENEZ DIAZ
Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☐ Trustee pays secured ARREARS:

Cr. _____ Cr. _____ Cr. _____
_____ # _____ # _____
\$ _____ \$ _____ \$ _____

2. ☒ Trustee pays IN FULL Secured Claims:

Cr. Popular Auto Cr. _____ Cr. _____
Claim 2-1 # _____ # _____
\$ 14,017.20 \$ _____ \$ _____

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. _____ Cr. _____ Cr. _____
_____ # _____ # _____
\$ _____ \$ _____ \$ _____

4. ☒ Debtor SURRENDERS COLLATERAL to Lien Holder:

Coop De A/C Roosei

5. ☐ Other:

6. ☐ Debtor otherwise maintains regular payments directly to:

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: _____

☐ Paid 100% / ☐ Other: _____

Cr. _____ Cr. _____ Cr. _____
_____ # _____ # _____
\$ _____ \$ _____ \$ _____

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)
See Continuation Sheet

Attorney for Debtor R. Figueroa Carrasquillo Law Office

Phone: (787) 744-7699

IN RE DAVILA TIRADO, ELIM DE JESUS & JIMENEZ DIAZ, SHARON LIZ

Case No. 3:14-bk-2204

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 1 of 2

	Cr	#	\$
Executory Contracts - Assumed:	Pedro Diaz Lopez		

IN RE DAVILA TIRADO, ELIM DE JESUS & JIMENEZ DIAZ, SHARON LIZ

Case No. 3:14-bk-2204

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 2 of 2

Debtors to provide Adequate Protection Payments to Popular Auto through the Trustee in the sum of \$150.00 per month for the next eight months or until confirmation, and to be paid retroactive to the date of the filing of the petition.

"Surrenders collateral" : Savings in Banco Popular de PR (Claim 3-1).

DEBTORS will pay GENERAL UNSECURED in full (100% + 4.25% interest per annum), under Chapter 13 Plan.

Debtors consent to the LIFT of STAY in favor of TD Auto Finance (paid by third party), Trustee will not make disbursements to secured creditor since debtors propose to lift the stay.

Debtors consent to the lift of stay in favor of Cooperativa A/C Roosevelt Roads since debtors propose to surrender collateral in favor of said secured creditor. Bankruptcy Court retains jurisdiction as to any deficiency judgment, which balance to be paid pro-rata disbursements through the Trustee.

* "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The plan shall be deemed modified by such amount, without the need of further Court order. The debtor(s) shall seek court's authorization prior any use of funds."

Any proceeds to be received from collection of Judgment in civil case no. KPE2006-3710 shall be paid to the Trustee and used to fund the debtors' Plan

Debtors assume commercial lease contract at Urb Villa Universitaria ABA-1 with owner Pedro Diaz Lopez.

Label Matrix for local noticing
0104-3
Case 14-02204-MCF13
District of Puerto Rico
Old San Juan
Mon Aug 25 09:21:11 AST 2014

BANCO POPULAR PR
PO BOX 366818
SAN JUAN, PR 00936-6818

COOP A/C ROOSEVELT ROADS
PO BOX 31
FAJARDO, PR 00738-0031

POPULAR AUTO
PO BOX 366818
SAN JUAN, PR 00936-6818

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

ALTAIR OH XIII, LLC
C O WEINSTEIN, PINSON, AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

BANCO POPULAR DE PUERTO RICO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PR 00936-6818

Banco Popular -visa
209 Munoz Rivera Ave
San Juan, PR 00918-1000

Banco Popular De Puerto Rico
PO Box 363228
San Juan, PR 00936-3228

CARLOS A QUILICHINI PAZ, ESQ.
PO BOX 9020895
SAN JUAN, PR 00902-0895

Chase
PO Box 15298
Wilmington, DE 19850-5298

GE Capital Retail Bank
c/o of Recovery Management Systems Corp
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

POPULAR AUTO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

Pedro Diaz Lopez
PO Box 97
Humacao, PR 00792-0097

Synchrony Bank
c/o Recovery Management Systems Corp
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

Td Auto Finance
Po Box 9223
Farmington Hills, MI 48333-9223

Thd/cbna
PO Box 6497
Sioux Falls, SD 57117-6497

ELIM DE JESUS DAVILA TIRADO
URB EL VIVERO
G 7 CALLE 6
GURABO, PR 00778-2309

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

SHARON LIZ JIMENEZ DIAZ
URB EL VIVERO
G 7 CALLE 6
GURABO, PR 00778-2309

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Coop A/C Roosevelt Roads
PO Box 31
Fajardo, PR 00738-0031

End of Label Matrix
Mailable recipients 21
Bypassed recipients 1
Total 22